IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 19603 OF 2004

Between:

B.Madhukar Reddy, S/o Jayachandra Reddy,

Aged about 35 years, Occ: Agriculturist, Person-in-Charge

Of Mudupulavemula Primary Agricultural Cooperative Society,

Mudupulavemula, Piler Mandal, Chittoor District.

..... PETITIONER

AND

1. The Mudupulavemula Primary Agricultural Cooperative Society,

Mudupulavemulu, Piler Mandal, rep. by its Person-in-Charge.

2. The District Cooperative Officer, Chittoor, Chittoor District.

3. The Deputy Registrar of Cooperative Societies/Divisional Coop.

Officer, Madanapalli, Chittoor District.

4. The Registrar of Cooperative Societies/Commissioner for

Cooperation, Government of AP, Hyderabad.

5. The Government of AP, rep. by its Secretary, Agriculture and

Cooperative Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, particularly a Writ of Mandamus, :

i. declaring the inaction of the respondents in not holding elections to the Mudupulavemula Primary Agricultural Cooperative Society (PACS) Mudupulavemula, Piler Mandal in Chittoor District, though the form of the elected members of the society expired in the month of July, 2000, as illegal, arbitrary and unconstitutional apart from being violative of principles of natural justice against the mandatory provision u/Sec. 31 of A.P. Cooperative Societies Act, and the judgment of the Hon'ble High Court in M.Ranga Reddy vs State of Andhra Pradesh and another, reported in AIR 1989 AP 81, consequently

ii. direct the action of the 9th respondent in issuing G.O.Rt.No.606, Agriculture and Cooperation dated 3.7.2004 directing the 4th respondent to appoint official persons in charge committees in place of the elected members of the cooperative societies and the consequential proceedings issued by the 3rd respondent in RC No.1060/2000-D, dated 9.7.2004 appointing the official persons in charge committee in place of the elected members to Mudupulavemula Primary Agricultural Cooperative Society (P.A.C.S.) Mudupulavemula, Piler Mandal in Chittoor District, as illegal, arbitrary and unconstitutional apart from being violative of principles of natural justice and set aside the same;

iii. direct the 4th respondent to conduct elections immediately to the Mudupulavemula Primary Agricultural Cooperative Society (P.A.C.S.) Mudupulavemula, Piler Mandal in Chittoor District by permitting the petitioner to continue as Chairman of the person-in-charge committee in Mudupulavemula Primary Agricultural Cooperative Society (P.A.C.S.) Mudupulavemula,Piler Mandal in Chittoor District, till elections are held to it.

For the Petitioner: Mr. K.suresh Kumar Reddy, Advocate

For the Respondents: Government Pleader for Cooperation

The Court Made the Following :

::ORDER::

The issue arising in this writ petition is covered by the judgment of this court dated 8.11.2004 in W.P. No. 12116 of 2004 and Batch.

The writ petition is accordingly dismissed in terms of the aforesaid judgment. No order as to costs.

Date:04.02.2005 ----------

Pvsn Justice G. RAGHURAM

..... REGISTRAR

To

1. The Person-in-Charge, Mudupulavemula Primary Agricultural Cooperative Society, Mudupulavemulu, Piler Mandal, Chittoor District.

2. The District Cooperative Officer, Chittoor, Chittoor District.

3. The Deputy Registrar of Cooperative Societies/Divisional Coop.

Officer, Madanapalli, Chittoor District.

4. The Registrar of Cooperative Societies/Commissioner for

Cooperation, Government of AP, Hyderabad.

5. The Secretary, Agriculture and Cooperative Department, Secretariat, Government of AP, Hyderabad.

6. Two CCs to the Government Pleader for Cooperation, High Court building, Hyderabad (OUT)

7. 2CD copies